

COHEN / PLACITELLA / ROTH PC  
ATTORNEYS AT LAW

December 2, 2016

The Honorable Freda L. Wolfson  
United States District Court  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

This Letter relates to: **All Plaintiffs**

Re: Johnson & Johnson Defendants' Response to Joint Application for Appointment of the Plaintiffs' Steering Committee  
*In Re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2738

Dear Judge Wolfson:

We write briefly regarding the Johnson & Johnson ("J&J") and Imerys Talc America ("Imerys") defendants' responses to the Joint Application for Appointment of the Plaintiffs' Steering Committee. Dkt. Nos. 54 and 66.

The central questions before this court at the present time concern the appropriate plaintiffs' leadership structure to be employed in this MDL proceeding and whether the counsel applying for leadership positions are qualified to serve in those positions. J&J and Imerys do not oppose the structure proposed in the Joint Application. Nor do J&J and Imerys oppose any of the qualified applicants who have come forward to serve in leadership positions.

Although J&J and Imerys take no position as to the structure and makeup of Plaintiffs' leadership, both defendants seek to engage in a battle over the scope of discovery that is not ripe at this preliminary stage in the proceedings. The Joint Applicants submit that the appropriate scope of discovery in this case should be determined in the ordinary process through the ordinary means: appropriate disclosures; discovery requests; and, of course, resort to this Court should disagreements arise. The Joint Applicants are more than willing to address these issues at the appropriate time or at this juncture if the Court should request additional briefing.

J&J makes additional, extraordinary requests that plaintiffs be required to disclose funding sources and pending cases before this Court and in other *fora*, suggesting that conflicts of interest may exist or arise. Neither issue is properly before this Court at this time. The Joint Applicants are highly experienced practitioners who have agreed to commit whatever time and resources are

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needed to successfully prosecute the cases before this Court. There is no credible suggestion that conflicts exist which will prevent counsel from doing so. And the suggestion that the prosecution of

claims in more than one forum may compromise counsel's ability to devote sufficient time and resources to the present case is similarly incorrect.

The Joint Applicants respectfully request that the Court enter an order approving the proposed plaintiffs' leadership structure and appointing the applicants to the positions designated in the Joint Application.

Respectfully submitted,

/s/Christopher Placitella  
*Proposed Plaintiffs' Liason Counsel*  
Plaintiffs' Steering Committee